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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,704	10/11/2001	George Bradley Hobbs	10006501-1	2165

7590 04/04/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/976,784

EXAMINER

ART UNIT

PAPER

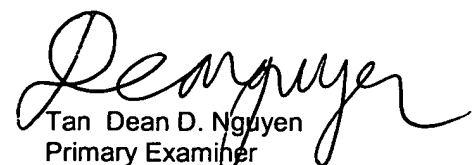
20050322

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Response after Final by the Applicant filed on 2/16/2005 is noted. However, the response was based on a wrong Final Rejection prepared on 12/12/2004 and not the proper Final Rejection prepared on 12/15/2004. A copy of the proper Final Rejection is submitted here and the time will be restarting from the mailing date of this Official Final Rejection. The Examiner apologized for the error and lost effort.


Tan Dean D. Nguyen
Primary Examiner
Art Unit: 3629

Office Action Summary

Application No.

09/976,704

Applicant(s)

HOBBS, GEORGE BRADLEY

Examiner

Tan Dean D. Nguyen

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/29/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 10/1/04 have been entered.

Claim Status

Claims 1-10, 11-14 are pending and are treated as followed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-10 (method), 11-14 (apparatus) are rejected under 35 U.S.C. 103(a) as being unpatentable over SEVCIK et al (US Patent 6,330,542) in view of FARRELL (US Patent 5,383,129) or ROBINSON et al (US 5,850,584) or Darlington (US Patent 5,102,500)**

As for Independent method claim 1, SEVCIK et al discloses a computer-implemented method for completed estimating printing job prior to printing by calculating the printing job and postage (freight cost) of a print job comprising the steps of:

(a) provide an electronic print job having a set of predefined electronic print job attributes that identify weight-determining factors such as type of paper, quantity of paper (volume), paper weight, {see Figs. 5, 6, 7};

(b) calculating a weight of the print job via a computer using the weight-determining factors (quantity and paper weight) {see col. 9, lines 43-45 (c9:43-45)); and

(c) calculate a postage (freight/shipping/delivery cost/charge) for the print job using the set of predefined electronic print job attributes. [see Fig. 1A (68), Fig. 4, Fig. 7 (turn around, shipping, size, panel, binding, paper weight, Fig. 9 (calculate freight charge), (generate quote/price (92), col. 9, lines 2-4, 43-50]. SEVCIK et al discloses the claimed invention except for explicitly teaching that the weight-determined factors include at least one of printer technology, ink/toner coverage and ink/toner weight. This is apparently so because it's reasonable to assume that the weighting factor due to ink/toner printed on the surface of the sheet is very low as compared to the weight of the sheet and precise weight figure is not critical. Note that SEVCIK et al discloses well known printing parameters such as type of printing, photocopying or digital printing, ink color options, coating options, etc. {see Fig. 4, 18, c8:45-50} but does not mention how the ink/toner affects the weight-determining factor, or paper/sheet weight, for the probable reason mentioned above.

FARRELL is cited to teach a method for estimating weight and cost of printing materials used to print a job on a printing apparatus by calculating the weight of the printing materials (ink/toner or color materials coverage or weight) {see Fig. 10, 502, 504, 506, 516, Fig. 12, col. 8, lines 10-35, col. 9, lines 14-25}. FARRELL mentions on col. 3, lines 10-25, that determination of the weight of printing material is critical when the print job is big and the consumption of the printing materials can be significant and costly. Since it's well known that the weight of a printed paper comprising 2 main elements, (1) paper weight, and (2) ink/toner (or printed material) weight or coverage on the paper, it would have been obvious to modify the teaching of SEVCIK et al to include

Art Unit: 3629

the ink/toner (or printed material) weight or coverage as part of the weight-determining factor as taught by FARRELL if more precise or accurate weight calculation is desired for whatever intended purpose, improved accuracy on printing cost or postage cost prior to printing.

ROBINSON et al is cited to teach a method for estimating weight and cost of printing materials used to print a job on a printing apparatus by calculating the weight of the printing materials (ink/toner or color materials coverage or weight) which can be significant due to printing content or amount and type of marking materials {see Fig. 2, col. 1, 5-25, 53-65, col. 6, lines 30-65, col. 7, lines 20-60. ROBINSON et al mentions on col. 1, lines 15-25, that cost of the printing job can be significantly affected by the amount of marking material. Since it's well known that the weight of a printed paper comprising 2 main elements, (1) paper weight, and (2) ink/toner (or printed material) weight or coverage on the paper, it would have been obvious to modify the teaching of SEVCIK et al to include the ink/toner (or printed material) weight or coverage as part of the weight-determining factor as taught by ROBINSON et al if more precise or accurate weight calculation is desired for whatever intended purpose, improved accuracy on printing cost or postage cost prior to printing.

Alternatively, DARLINGTON, as shown in example 1, (A) and (B), discloses for 2 types of printing with different printing techniques and ink or toner, the weight % ink/toner per each printed sheet is significantly high, 3.3 wt-% of toner in (A) vs. 1.3 wt-% of toner in (B) or a difference of 2.0 wt-%/printed paper. This is significant if more precise/accurate weight calculation is desired. Therefore, it would have been obvious to

modify the weight-determining factors SEVCIK et al by including the type of printing technology and/or ink/toner coverage or weight if more precise/accurate weight calculation is desired since DARLINGTON discloses the difference in different type of printing technology and/or ink/toner coverage or weight is very high, i.e. about 2.0 wt-% of each printed sheet for the example cited in Example I.

As for dep. claim 2, which deals with a 1st well known variable for determining the postage (freight cost) which is calculating a weight for the printing job using weight determining factor from the set of attributes, this is taught in col. 9, lines 43-45, lines 1-5, col. 8, lines 60-67, Figs. 7, 18.

As for dep. claim 3, which deals with a 2nd well known variable for determining the postage (freight cost) which is determining a parcel size for the printing job using weight determining factor from the set of attributes, this is fairly taught in col. 8, lines 60-65 (size), col. 9, lines 43-45, lines 1-5, or Figs. 7, 18.

As for dep. claim 4, which deals with a 3rd well known variable for determining the postage (freight cost) which is determining a delivery method for the printing job, weight determining factor from the set of attributes, this is fairly taught in col. 8, lines 60-65 (size), col. 9, lines 43-45 (most competitive freight), lines 1-5, or Figs. 7, 18.

As for dep. claim 5, which further limits the weight-determining factors by selecting of the paper type, printing type, # of pages, binding materials, etc., these are well known parameters for determining weight and are taught in Fig. 18 (paper weight (46), size options, binding materials), Fig. 7, Fig. 5, volume (2500 cards), and col. 9, lines 43-50 (calculate the weight of the order based on the quantity and paper weight).

As for dep. claim 6-7, which further limits the delivery-determining factor by well known step such as selecting a carrier, this is taught in 8:65, or col. 9, lines 1-5, 40-45, Fig. 7.

As for dep. claim 8-9, which further limits the size-determining factor by well known steps such as selecting the media type, number of pages, binding materials and by a user, these are taught in col. 8, lines 60-65 (size), col. 9, lines 43-45, lines 1-5, or Figs. 7, 18.

As for dep. claim 10, this is taught in Figs. 7-13 "calculating a freight charge or cost" and col. 9, lines 45-50 ("displaying vendor with the most competitive 1) printing job and 2) freight cost and assign a reference number to the quote at 70").

As for independent Apparatus claim 11 which deals with a calculator comprising a storage medium having plurality of machine-readable instructions for the steps (a), (b) and (c) as in independent method claim 1, it is rejected for the same reason set forth in claim 1 above with respect to the limitation that the SEVCIK et al deals with automated Internet quoting and procurement system and process for commercial printing.

As for dep. claims 12-14 (part of claim 11) which have similar limitations to dep. claims 2-4, respectively, they are rejected for the same reasons set forth in claims 2-4 above.

3. Claims 1-10 (method), 11-14 (apparatus) are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over KARA (US 5,893,209) in view of ROBINSON et al or FARRELL or DARLINGTON (US Patent 5,102,500)

As for Independent method claim 1, KARA discloses a computer-implemented method for completed estimating printing job prior to printing by calculating the printing job and postage (freight cost) of a print job comprising the steps of:

(a) provide an electronic print job having a set of predefined electronic print job attributes that identify weight-determining factors such as type of paper, quantity of paper (volume), paper weight, printed context or printed mode {see Fig. 2, c1:20-30, c2:45-60, c6:35-45 "Attribute Information"};

(b) calculating a weight of the print job via a computer using the weight-determining factors (quantity and paper weight) {see Fig. 2 step 205, col. 8:5-15 }; and

(c) calculate a postage (freight/shipping/delivery cost/charge) for the print job using the set of predefined electronic print job attributes. {see Fig. 2, step 206, c3:45-55}. KARA discloses the claimed invention except for explicitly teaching that the weight-determined factors include at least one of printer technology, ink/toner coverage and ink/toner weight. In other word, the printed context or printed mode includes one of printer technology, ink/toner coverage and ink/toner weight. This is apparently so because it's reasonable to assume that the weighting factor due to ink/toner printed on the surface of the sheet is very low as compared to the weight of the sheet and precise weight figure is not critical.

ROBINSON et al is cited to teach a method for estimating weight and cost of printing materials used to print a job on a printing apparatus by calculating the weight of the printing materials (ink/toner or color materials coverage or weight) which can be significant due to printing content or amount and type of marking materials {see Fig. 2,

Art Unit: 3629

col. 1, 5-25, 53-65, col. 6, lines 30-65, col. 7, lines 20-60. ROBINSON et al mentions on col. 1, lines 15-25, that cost of the printing job can be significantly affected by the amount of marking material. Since it's well known that the weight of a printed paper comprising 2 main elements, (1) paper weight, and (2) ink/toner (or printed material) weight or coverage on the paper, it would have been obvious to modify the teaching of KARA to include the ink/toner (or printed material) weight or coverage as part of the weight-determining factor as taught by ROBINSON et al if more precise or accurate weight calculation is desired for whatever intended purpose, improved accuracy on printing cost or postage cost prior to printing.

FARRELL is cited to teach a method for estimating weight and cost of printing materials used to print a job on a printing apparatus by calculating the weight of the printing materials (ink/toner or color materials coverage or weight) {see Fig. 10, 502, 504, 506, 516, Fig. 12, col. 8, lines 10-35, col. 9, lines 14-25}. FARRELL mentions on col. 3, lines 10-25, that determination of the weight of printing material is critical when the print job is big and the consumption of the printing materials can be significant and costly. Since it's well known that the weight of a printed paper comprising 2 main elements, (1) paper weight, and (2) ink/toner (or printed material) weight or coverage on the paper, it would have been obvious to modify the teaching of KARA to include the ink/toner (or printed material) weight or coverage as part of the weight-determining factor as taught by FARRELL if more precise or accurate weight calculation is desired for whatever intended purpose, improved accuracy on printing cost or postage cost prior to printing.

DARLINGTON, as shown in example 1, (A) and (B), discloses for 2 types of printing with different printing techniques and ink or toner, the weight % ink/toner per each printed sheet is significantly high, 3.3 wt-% of toner in (A) vs. 1.3 wt-% of toner in (B) or a difference of 2.0 wt-%/printed paper. This is significant if more precise/accurate weight calculation is desired. Therefore, it would have been obvious to modify the weight-determining factors KARA et al by including the type of printing technology and/or ink/toner coverage or weight if more precise/accurate weight calculation is desired since DARLINGTON discloses the difference in different type of printing technology and/or ink/toner coverage or weight is very high, i.e. about 2.0 wt-% of each printed sheet for the example cited in Example I.

As for dep. claim 2, which deals with a 1st well known variable for determining the postage (freight cost) which is calculating a weight for the printing job using weight determining factor from the set of attributes, this is taught in c2:55-67, c6:10-20.

As for dep. claim 3, which deals with a 2nd well known variable for determining the postage (freight cost) which is determining a parcel size for the printing job using weight determining factor from the set of attributes, this is fairly taught in the Table "Context Specific Attribute Information" in c6:35-50.

As for dep. claim 4, which deals with a 3rd well known variable for determining the postage (freight cost) which is determining a delivery method for the printing job, this is inherently included in the teaching of KARA or would have been obvious to a skilled artisan to do so.

As for dep. claim 5, which further limits the weight-determining factors by selecting of the paper type, printing type, # of pages, binding materials, etc., these are well known parameters for determining weight and are taught in c6:10-50.

As for dep. claim 6-7, which further limits the delivery-determining factor by well known step such as selecting a carrier, this is inherently included in the teaching of KARA or would have been obvious to a skilled artisan to do so.

As for dep. claim 8-9, which further limits the size-determining factor by well known steps such as selecting the media type, number of pages, binding materials and by a user, these are taught in c3:5-50. See line 6 for the teaching of "automatically and instantaneously".

As for dep. claim 10, which calls for a print shop to receive the calculation information, this is fairly taught in c1:25-40 "businesses" or would have been obvious in view of the teachings of c8:32-45.

As for independent Apparatus claim 11 which deals with a calculator comprising a storage medium having plurality of machine-readable instructions for the steps (a), (b) and (c) as in independent method claim 1, it is rejected for the same reason set forth in claim 1 above.

As for dep. claims 12-14 (part of claim 11) which have similar limitations to dep. claims 2-4, respectively, they are rejected for the same reasons set forth in claims 2-4 above.

Note that all of the limitations in the dependent claims are well known and fairly taught in SEVCIK et al in the 1st set of rejections. They are not used in combination with

KARA to avoid multiple duplicate rejection of the dependent claims. However, they could be used in the future if necessary.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection which is due to applicant's amendment.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

No claims are allowed.

Art Unit: 3629

6. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113

Or see <http://pair-direct@uspto.gov>

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov.

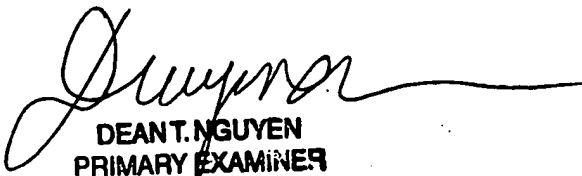
Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn
December 15, 2004


DEAN T. NGUYEN
PRIMARY EXAMINER